

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

OUSSAMA EL OMARI, et. al.,	:
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Plaintiff	:
	:
	Civ No. 1:23-cv-04607-LAK-OTW
v.	:
	:
	:
DECHERT LLP, et al.	:
	:
	:
Defendants.	:

**DECLARATION OF SAMUEL ROSENTHAL IN SUPPORT OF DEFENDANTS
NICHOLAS DEL ROSSO AND VITAL MANAGEMENT SERVICES, INC.’S
MOTION TO DISMISS AND IN OPPOSITION TO
MOTION FOR A PRELIMINARY INJUNCTION**

I, Samuel Rosenthal, hereby declare as follows:

1. I am the undersigned attorney for Defendants Nicholas Del Rosso (“Del Rosso”) and Vital Management Services, Inc. (“Vital”) (collectively, “Defendants”) for the above captioned case. I make this declaration in support of Defendants’ Motion to Dismiss. Except as otherwise stated, I have personal knowledge of the matters set forth herein.
2. Plaintiff has requested that a preliminary injunction be issued prohibiting Defendants from altering, deleting or taking any other action which, in the normal course, would be barred in any event by a litigation hold. On August 9, 2023, I communicated with Mr. Moore, counsel for Plaintiff. I informed him that all parties in this case, including Defendants, are subject to a litigation hold. I also informed Mr. Moore that the litigation over Defendants’ laptop resulted in a ruling by the High Court of Justice ordering the Laptop be returned to Defendants’ London solicitors, and that it was agreed that any alleged data on the Laptop described by him in the complaint in this case relating to Mr. Moore would be removed by an independent consultant

before any examination by counsel for Defendants occurred. Mr. Moore stated that he was comfortable agreeing to any procedure adopted by the High Court of Justice in that case. Attached as Exhibit A is a true copy of an email sent to Mr. Moore, dated August 11, 2023, asking him to confirm that position.

3. After asking Mr. Moore to confirm that he was agreeable to the procedure employed in London, he advised that he would insist that his own expert, Mr. Kierfer, review the Laptop and remove any data allegedly existing there relating to Mr. Moore's email account at issue in this case. A true copy of Mr. Moore's response, dated August 15, 2023, and my reply to him on the same date, are attached as Exhibit B.

4. Attached as Exhibit C is a true copy of an email sent to Plaintiff's counsel on August 21, 2023, attaching correspondence from UK Solicitors dated August 21, 2023.

5. Attached as Exhibit D is a true and correct copy of the Transcript of Proceedings before the Court in the High Court of Justice, King's Bench, United Kingdom in *Al Sadeq v. Dechert, LLP et al.*, No. QB-2020-000322 ("the Al Sadeq Action"), on July 31, 2023, dealing with applications relating to Defendants' Laptop.

6. Attached as Exhibit E is a true copy of a Witness Statement executed by Nicholas del Rosso in the Al Sadeq Action and filed in the High Court of Justice, Kings Bench Division.

7. Attached as Exhibit F is a true copy of an email dated August 22, 2023 from Plaintiff's counsel to the undersigned.

8. Attached as Exhibit G is a true copy of a declaration of Haralambos Tsiaitalou dated February 5, 2021 and filed in the Middle District of North Carolina in *In re Application of Karam Al Sadeq and Stokoe Partnership* Solicitors ("the Stokoe 1782 Action), Misc. Action No. 1:21-mc-06, ECF 4.

9. Attached as Exhibit H is a true copy of a Memorandum of Law in Support of Motion to Reconsider or Modify, in the Stokoe 1782 Action).

10. Attached as Exhibit I is a true copy of a declaration filed by Vikash Pandey in the Middle District of North Carolina in Azima v. Del Rosso, No. 1:20-cv-954 (the “Azima North Carolina Action”).

11. Attached as Exhibit J is a true copy of the declaration of declaration of Chiranshu Ahuja in the Azima North Carolina Action.

12. Attached as Exhibit K is a true copy of the Respondents’ Memorandum of Law in Opposition to Section 1782 Application of Cameron Findlay.

13. Attached as Exhibit L is a true copy of an excerpt of article written by Symantec Corporation and which can be found at <https://docs.broadcom.com/doc/intelligence-report-july-14-en>.

14. Attached as Exhibit M is a true copy of the Amended Complaint filed by Plaintiff in El Omari v. Buchanan, No. 20-cv-2601 (VM)(DF).

15. Attached is Exhibit N is a true copy of a Witness Statement of Charles Fussell, dated November 25, 2022.

16. I declare under penalty of perjury that the foregoing is true and correct.
Executed on August 25, 2023, in Washington, D.C.

Dated: August 25, 2023
New York, New York

Respectfully submitted,

/s/ Samuel Rosenthal
Samuel Rosenthal
Nelson Mullins Riley & Scarborough LLP

*Counsel for Defendants Nicholas Del Rosso
and Vital Management Services, Inc.*